GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:165
ANSWERED ON:17.07.2017
Displaced Tribals
Arunmozhithevan Shri A.

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether there are gaps in the rehabilitation to the tribal community members displaced by development projects and if so, the details thereof along with the number of persons reported to be displaced and rehabilitated therefrom so far, State/UT-wise;

(b) whether it is a fact that of an estimated 85 lakh persons displaced due to development projects and natural calamities, only 21 lakh people have been rehabilitated so far; and

(c) if so, the reasons therefor and the reaction of the Government thereto along with the steps being taken by the Government for expeditious rehabilitation of all the tribals displaced due to such projects in the country?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI JASWANTSINH BHABHOR)

(a) & (b) In so far as land related issues are concerned, the Ministry of Rural Development, Department of Land Resources (DoLR), is the nodal Ministry at the Centre, which plays a monitoring role in the field of land reforms. Land and its management fall under the exclusive legislative and administrative jurisdiction of states as provided under the Constitution of India (Seventh Schedule − List ii (State List) − Entry No. (18). Therefore, State wise details are not maintained centrally. Under Section 48 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013 in short), a National Level Monitoring Committee for Rehabilitation and Resettlement has been constituted in the DoLR for the purpose of looking into and collecting data on displacement, rehabilitation and resettlement of project affected people.

(c) By way of safeguards against displacement special provisions have been made for Scheduled Castes and Scheduled Tribes by way of Sections 41 and 42 of the RFCTLARR Act, 2013 which stipulates that as far as possible, no land is to be acquired in the Scheduled Areas except as last resort. In case acquisition or alienation of any land in the Scheduled Areas, the prior consent of Gram Sabha or the Panchayat or the Autonomous District Councils, at the appropriate level in the Scheduled Area in the Fifth Schedule to the Constitution, as the case may be, are required to be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency. The Act also lays down procedure and manner of rehabilitation and resettlement.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Section 4 (5) states that save as otherwise provided, no member of a forest dwelling Scheduled Tribe or Other Traditional Forest Dwellers shall be evicted or removed from the Forest Land under his occupation till the recognition and verification procedure is complete.

The Panchayats (Extension to Scheduled Areas) Act, 1996, also provides that the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas or development projects and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State Level;

Constitutional provisions under Schedule − V also provide for safeguards against displacement of tribal population because of land acquisitions etc. the Governor of the State which has scheduled Areas is empowered to prohibit or restrict transfer of land from tribals and regulate the allotment of land to members of the Scheduled Tribes in such cases.
Land being a State subject, the various provisions of rehabilitation and resettlement as per the LARR Act, 2013 are implemented by the concerned State Governments. Section 16 of the Act mandates the Administrator for Rehabilitation and Resettlement to conduct survey and undertake a census of the affected families and to prepare rehabilitation and resettlement scheme which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved. Further, Chapter V of the LARR Act, 2013 deals with Rehabilitation and Resettlement Award for affected families by the Collector and provision of infrastructural amenities in resettlement area. Sections 41 and 42 of the LARR Act, 2013 contains special provisions for Scheduled Castes and Scheduled Tribes including reservation and other benefits. The Second Schedule to the LARR Act, 2013 highlights the various elements of Rehabilitation and Resettlement entitlements for all the affected families (both land owners and the families whose livelihood is primarily dependent on land acquired). These elements include provision of housing units in case of displacement, land for land, offer for developed land, choice of annuity or employment, subsistence grant for displaced families for a period of one year, transportation cost for displaced families, cattle shed/petty shops cost, one-time grant to artisan and small traders, fishing rights, one-time Resettlement Allowance, and Stamp Duty and Registration Fee.
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